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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,661	03/17/2004	Daniel Paul Frykman	GDDPF01A	2660

33076 7590 08/09/2007
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EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,661	Applicant(s) FRYKMAN, DANIEL PAUL	
	Examiner M. Safavi	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claim 1 is objected to because of the following informalities: As per M.P.E.P. 608.01(m), the language of claim 1 should have only one capital letter at the beginning of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification had not originally presented a sleeping chamber adapted to fit inside a tractor sleeping berth as now appears recited within claim 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune '626 in view of McLaren et al. '817.

Fortune '626 discloses a chamber 10 having an outer casing 24, an inner casing 23, insulation in the space 25 between the inner and outer casings, a ventilation system 61, thermal control system, a door 13 with lock accessible from within, a mattress 52, a lighting system 122/123, an entertainment system 43, a communication system, a water inlet, (any of 93, 95, 97, 105-107, etc.), a control unit 119 as well as a power system in the form of a battery 120/85. Fortune does not appear to specifically disclose a thermo control system connected to a ventilation system or a mattress located on the floor.

However, McLaren et al. discloses a portable chamber having among many elements, a mattress 19 located on the floor 16 and a thermo control system connected to a ventilation system, col. 5, lines 1-16 and lines 39-55. A control panel 32 is provided along the interior wall featuring controls for any of the chambers operable systems col. 5, lines 6-8 and lines 43-46.

Therefore, to have provided the Fortune chamber with a thermo control system connected to a ventilation system, thus providing comfort to a user, as well as provide a mattress on the floor of the chamber, thus allowing a compact economical use of the chamber if desired, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by McLaren et al.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune '626 in view of McLaren et al. '817 as applied to claims 1, above, and further in view of Shane '646.

Fortune '626 does disclose a purchase access system 14 operably connected to the door 13. In any event, Shane '646 discloses utilization of a vending system, Fig. 4, allowing access to the chamber 10. Therefore, to have provided the modified Fortune chamber with a vending system operably connected to the door 13, thus allowing direct individual user access to the chamber, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Shane '646.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune '626 in view of McLaren et al. '817 as applied to claims 1, above, and further in view of Whittaker '308.

To have provided the modified Fortune '626 chamber with a solar energy collector system serving to power any and all of the operable systems including the thermal control system, thus providing an economically feasible and environmental friendly power system to the chamber, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Whittaker '308 at col. 1 lines 45-59.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune '626 in view of McLaren et al. '817 as applied to claims 1, above,

and further in view of U.S. Patent Application Publication 2002/0189173 to Staschik.

Staschik teaches, as at paragraph 60, utilization of a photovoltaic cell as well as a fuel cell as two of many alternatives to sources of power within the building module 10. Therefore, to have provided the modified Fortune '626 chamber with either of a solar energy collector system or a fuel cell system serving to power any and all of the operable systems including the thermal control system, thus providing an economically feasible and environmental friendly power system to the chamber, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Staschik '173.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune '626 in view of McLaren et al. '817 as applied to claims 1, above, and further in view of Joao '076.

Joao '076 discloses utilization of an exterior surveillance system with camera and monitor along with many other features of a dwelling, col. 12, lines 2-67. Therefore, to have provided the modified Fortune chamber with an exterior surveillance system with camera and monitor, thus providing a security arrangement within and around the chamber, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Joao '076.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune '626 in view of McLaren et al. '817 as applied to claims 1, above, and further in view of Miller '240.

Miller '240 teaches utilization of multiple doors including a secondary door for allowing distinctive entrance into and exit out of the chamber 10, col. 4, lines 56-64. Therefore, to have provided the modified Fortune '626 chamber with a secondary door, thus allowing supplementary entrance into and exit out of the chamber

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



**MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 3673**

M. Safavi
June 20, 2007